

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District
 FILE NUMBER: MVP- 2005-534-GRK
 REGULATORY PROJECT MANAGER: Gary Knapton

Date: 03/24/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☐ N ☒
 At the project site? Y ☒ N ☐

Date:
 Date: 03/23/2005

PROJECT LOCATION INFORMATION:

State: **Wisconsin**
 County: **Outagamie**
 Center coordinates of site by latitude & longitude: **44.3136712575, -88.4240160034**

Approximate size of site/property (including uplands) in acres: **71**

Name of waterway or watershed: **Tributary to Mud Creek. Lower Fox River Watershed.**

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)		X Pond							

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): It has been determined that there are 6 distinct wetland areas located on the 71 acre parcel. Approximately 16.5 acres of wetlands at 5 locations are adjacent to a surface water tributary system to a navigable water of the US. There is a 1.29 acres man-made pond determined to be isolated.

The wetlands were identified within a wetland delineation report submitted to the Corps for verification. Discussions within the report as well as information contained on the data sheets and an on-site inspection indicate that the isolated pond area was excavated in an upland area and is not contiguous to other wetland areas associated with surface water tributary systems. In addition, there is no evidence of use of the pond for fish or shellfish production or any nexus to interstate commerce.